IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 188 OF 2005

Pradip Vasantrao Patil ... Appellant

V/s

State of Maharashtra .... Respondent

Mr. Kuldeep S. Patil for the appellant

Mr. S.R. Shinde for the State

Coram : V.M. Kanade, J.

Dated : 30/03/2005.

P.C. :-

1 I have heard learned advocate for the appellant and APP for the State.

2 The appellant is challenged the impugned order passed by II Adhoc Additional Session Judge dated 18/11/2004 in S.C. 44/2004. The appellant is aggrieved by the order passed by the Session Judge regarding the directions which are given in respect of return of property consisting of motor cycle and maruti van. It is submitted on behalf of the appellant that in the operative part of the impugned order , the Session Judge has observed as under:

"Maruti Van bearing No. MGM-8547 is already returned to its owner and the same be retained by him".

It is submitted that the appellant has never applied to the trial court for the return of maruti van

and, therefore,observation made by the Session Judge is incorrect. It is submitted that maruti van in fact is in the custody of the police, the present appeal therefore, is filed under provisions of section 454 of the Code.

3 Considering the facts and circumstances of the case, in my view appeal can be disposed of by directing the police authority to return maruti van bearing No.MGM-8547 to the appellant after verifying that he is owner of the vehicle. Criminal appeal is allowed in the above terms.

(V.M. Kanade, J.)